REPORT OF THE TASK FORCE ON MUNICIPAL SERVICES IN FRENCH

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John Eakins, Minister

REPORT OF THE TASK FORCE ON MUNICIPAL SERVICES IN FRENCH

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January 28, 1988

The Honourable John Eakins
Minister of Municipal Affairs
17th Floor
777 Bay Street
Toronto, Ontario
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Dear Mr. Minister:

We are pleased to present you with a copy of the final report of the Task Force on Municipal Services in French.

We would first like to thank the Ministry of Municipal Affairs for having struck this task force, an indication of its keen interest in improving municipal services in Ontario.

Secondly, we respectfully request that you study each of the sections of our report, which in our opinion are very closely interrelated. There is no need to re-emphasize the great importance of the subject matter; may we simply express the hope that our work will result in a constructive dialogue and lead to an improvement in the services provided to francophone communities or those communities with a significant number of French-speaking citizens.

Yours very sincerely,

The Task Force on
Municipal Services in French

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Purpose

To recommend to the Minister of Municipal Affairs the most effective procedures to encourage municipalities to provide services in French at the municipal level in the areas designated by the French Language Services Act, 1986.

Mandate

To carry out one or more studies:

(a) identifying the current level of French language services provided at the municipal level by municipal councils and social services, senior citizens' homes, police, day care and housing services;

(b) identifying the type of French language services that may be required in the municipalities;

(c) consulting with municipalities and other organizations and agencies concerned with the improvement of municipal services in French;

(d) recommending a process and time-frame to promote an appropriate level of French language services in the municipalities.

Within the scope of the above-mentioned studies, the Task Force was asked to consider:

- procedures for making French language services available in the municipalities;
- the human resources needed to provide French language services;
- the financial implications of its recommendations;
- the availability of French language courses;
- a model municipal by-law for the provision of French and English municipal services.

The Task Force wasted no time in applying its expertise to the task it had been assigned. Our report has a two-fold purpose: to provide information, and to recommend specific steps to be taken in providing municipal services in French.

It should be emphasized at the outset that it was not our intention to resolve the issue of official bilingualism in Ontario or, for that matter, of the French Language Services Act, 1986. Needless to say, our task force has no desire to get involved in the political fall-out from these issues, nor do they fall within our mandate. That is why we have focused on actual experiences, the factual aspects and the technical side of the language issue in the municipal environment.

In the course of our discussions we came to realize, as well, that in order to fully grasp the language question as it is posed in the municipal context, it was necessary, first and foremost, to ensure that the role and purpose of the local administration was clearly understood. We held it to be true that municipal governments, with their power of taxation and the exercise of universal suffrage, have all the attributes of any "real government". The only peculiarity that distinguishes them from other levels of government derives from the fact that their mandates stem not from a division of

powers between two levels of government but from a delegation of powers. These municipal powers, once delegated, are in theory the specific responsibility of the local government to the degree that the provincial government has not restricted their scope.

It is acknowledged from the start that the debate over French language municipal services should develop in the municipal, and not provincial, context. The municipalities have certain local choices to make, and must assume their full responsibilities. The Province, with its over-arching power to intervene, should nevertheless play an important consultative role, offer needed technical assistance and even participate by way of capital contributions. In this sense the provincial government serves as a mainstay, or even a catalyst of new ideas. Its task is also to define the parameters to fit the particular context. It is in this spirit that we have prepared the following report.

Local governments are at the grass-roots level of the community, in direct contact with the public. Hence the great importance of municipal services, with their close proximity to citizens. Local autonomy, as it is commonly refered to, implies the power to self-govern, to regulate, to determine the nature and quality of services and to establish budget priorities. Local autonomy means respecting local realities while adapting to the social policies set by other levels of government.

Citizen participation in the governmental process takes many forms, and people's expectations are largely centered at present on issues affecting quality of life.

It is therefore essential that municipal administrations direct their energy into providing a level of services that enables the individual to develop more fully and demonstrate his or her individuality. There is no question that cultural activities can provide certain advantages, although these may not always be tangible. They may include strengthening the local identity, increasing citizens' sense of belonging and awareness of the local heritage, and assisting public education. If society is to evolve, the individual must assimilate the most fundamental social values.

Viewed from this standpoint, it is obvious that local government should be concerned with the development of soft services, and that the traditional approach of municipal government, which is to promote services that are beneficial to property, is now outmoded.

The quality of life is of vital importance to the community, and cultural activities play a major role in its enhancement. A municipality's primary mandate is to respond to community expectations, and the municipal council should pursue objectives that can further the quality of life and address a variety of community needs.

Not only has culture become a timely issue for our local governments, but the provision of services in both languages inevitably raises the issue of parity, that is, the capacity and willingness to provide services of the same quality in both French and English. Although an increasing number of municipalities are willing to provide access for francophones to their institutions and services in their own language, and thereby provide equal service to both linguistic groups, it is evident that the necessary infrastructure is lacking in most cases.

It follows, therefore, that our task is to draw attention to what is actually involved in such services, not by sweeping,

categorical assertions but by attempting to identify the present situation as it really exists and defining what is meant by "municipal services in French", thereby facilitating the process by which municipalities will be able to establish lasting and more effectively structured French language services.

In order to assess the extent of municipal services provided in French in the areas designated by the French Language Services Act, 1986, we used three approaches: a questionnaire that was distributed to the relevant municipalities, interviews that were conducted in the course of a number of visits to municipalities, and, finally, an analysis of the comments made by local residents themselves in direct community consultations. Using these approaches we were able to identify the municipalities that had already achieved some worthwhile accomplishments in the area of bilingual services, and to assess the needs of municipalities that would like to follow suit or, in some cases, enhance the quality of existing services.

In the following paragraphs we will attempt to describe the range of municipal services in French that are found in varying degrees throughout the province in the designated areas, and to outline the general situation.

The questionnaire

A questionnaire was prepared by the members of the Task Force and distributed to 175 municipalities, all of which are located within the areas designated by the French Language Services Act, 1986. These territories were identified as sectors in

which there is a significant concentration of francophones. They were, in fact, areas with a population of at least 5,000 francophones or where francophones accounted for 10 percent or more of the total population.

More than one hundred questionnaires were returned to us. This is considered to be a very appropriate level of participation for an exercise of this nature, and the respondents went to some lengths to include comments on their experiences in the provision of French language services.

(a) The first question was designed to establish what public documents were available in French. The following data indicate the situation:

Documents in French	Number of municipalities
Agendas	25
Resolutions	25
Minutes	23
Zoning by-laws	20
Procedure by-laws	17
Other by-laws	11
Official plans	21
Public notices	43
Hiring policies	14
Tax bills	42
Financial reports	20
Reports to Council	21
Press releases	36
Public studies	19
Forms	35
Street signs	29

A number of interesting conclusions can be drawn from the above data. The municipalities' replies are indicative of some of the major problems they face, i.e. the cost of translation and the amount of additional work this entails. Translation is

expensive and difficult, we are told: expensive because documents have to be prepared in one language and then written into another; and difficult because it appears there are no complete or standardized bilingual glossaries of the administrative and legal terminology used in the municipal environment in Ontario. Translation is thus performed using the meager tools at one's disposal and existing staff. In this respect, the efforts undertaken so far are highly commendable and indicate a real willingness to respond to the expectations of the community, which is beginning to affirm its desire to be served in French.

On scrutiny, the above listing shows that standardized bilingual forms, such as **public notices**, **administrative forms** and **tax bills** are in common use. In most cases, it is the provincial government or stationery suppliers who have taken the initiative in making these standard-form documents available to municipalities. Since these standardized forms are used over and over, they can easily be adapted to the needs of each municipality. As a general rule, the additional costs of producing these documents in both languages are minimal, with the understandable exception of notices published in newspapers.

There is also a tendency to bilingualize such documents as agendas, resolutions and minutes. With respect to by-laws, it seems that only those by-laws which are of ongoing interest to the public are likely to be translated. The municipalities

are only now beginning to produce bilingual by-laws, and it should be noted that they often have other priorities.

A number of municipalities with an important francophone population informed us that most of their documents were prepared in English only for the following reasons:

i) the high costs of translation;

ii) the fact that previous relations with the province had always been conducted in English;

iii) the difficulty in translating the information accurately from one language to the other.

(b) The second aspect of the questionnaire enabled us to find out how staff is distributed within municipal services and to assess what kind of initiatives had been taken by some municipalities to bilingualize their services. The following data provide further information on this issue.

Municipal services in French	Written	Oral
Municipal Council	49	61
CAO's Office	30	31
Clerk's Office	54	54
Finance Department	54	59
Public Works	42	52
Recreation Department	44	49
Planning Department	33	36
Social Services	25	26
Fire Department	36	47
Police Department*	10	11

A number of variations should be considered here. For example,

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* Very few respondents have their own police force, and some municipalities were probably referring to the Provincial Police in their replies. Even where there was a municipal police force, in most cases the level of services in French is in no way equivalent to that in English. The figures provided here do not allow for an unambiguous interpretation.

some of the services listed above are not provided by all respondents, and the concentration of francophones in relation to the total population may vary considerably from one municipality to another. The figures in the vertical columns in the above table illustrate the number of correspondents who replied in the affirmative. Again, it is important to emphasize that the fact that if a municipality indicated that particular services are available in French, this does not in any way illustrate the extent and quality of those services, which are, in most cases, very limited.

This survey helped us to realize that in some cases a municipality has the capacity, in terms of personnel, to provide services in both languages, but it does not do so for lack of ability to allocate its labour force adequately among municipal services as a whole. Our research indicates that there are some cases in which, for example, all employees in the Clerk's office are bilingual while those in the Finance Department are unilingual. A lack of systematic organization means that the level of French language service is very uneven within a particular municipal administration.

In this regard, municipalities would be well advised to make better use of their resources and to implement a concept of linguistic arrangements that is appropriate to their needs, when circumstances allow.

As we will see when we discuss the consultative process, the replies to the questionnaires did not provide all the information we would have liked on the current situation. We have no indication of the level and quality of French language services, nor is there any indication as to whether such services are being promoted. There is a very significant gap between the identification of language capabilities within a given service and, on the other hand, the actual level of services dispensed in one language or another. Our studies indicate that with a very few exceptions there is no equivalence between these two factors of capability vs actual services.

(c) The questionnaire was quite flexible and was designed to solicit comments on just about all aspects of the subject. Respondents shared the following thoughts with us:

1. Providing services in both languages entails sufficiently high additional costs to warrant consideration as a separate item in the annual budget. It is thought that provincial assistance is essential.

2. The best way to begin providing municipal services in French is to establish priorities.

3. The Ministry of Municipal Affairs should ensure that its regional offices can operate in French and English in the designated areas.

4. The Ministry of Municipal Affairs should provide technical assistance and prepare documents on administrative and legal terminology in the municipal environment.

5. The current program of subsidies for municipal services in French should be more widely promoted.

6. The province could provide assistance in language

training and municipalities should have access to the province's translation service.

7. The Ministry of Municipal Affairs could reinforce municipal efforts by sending officers into the field to help them improve the delivery of French language services.

8. There is a need to increase municipalities' awareness of the importance of providing municipal services in French.

(d) Of the municipalities that participated, 58 indicated that the public is allowed to make representations in French at public hearings. However, many municipalities require prior notice.

(e) More than twenty of the participating municipalities indicated that they had, by means of legislation, adopted policies on the provision of services in French.

An interesting fact to note is that most of the municipalities that have adopted such policies have a francophone population that represents between 25% and 65% of their total population.

In municipalities with the greatest francophone concentration, the view was expressed that there is no need for such action since services are already offered in both languages.

The consultation process

We conducted a study of a number of municipalities throughout the province to gain some idea of the range of services provided in French and to get some input from those involved in French language municipal services. A member of our task force visited more than twenty municipalities located within the areas designated by the French Language Services Act, 1986. In addition, we used the network of the Association canadienne-française de l'Ontario (ACFO) to obtain the comments of those who are requesting and receiving municipal services in

French. It was necessary to visit municipalities so as to appreciate the current level of services, compare the types of services that are being provided and to evaluate the different approaches being used by the municipalities. We wanted to find out how municipalities are being organized to serve the francophone communities and to obtain information on uniform practices, if any, that may exist in the provision of French language services.

Our research disclosed that, with few exceptions, there are no established standards. Such services, where they exist, do so rather haphazardly, owing to a high degree of French language use in the region where people communicate with each other in French more or less everywhere. There is very little planning in most cases.

The municipal use of French may be described as a model primarily in the vicinity of Prescott and Russell, the municipalities of Vanier, Kapuskasing, Cumberland, Hearst, Ottawa, Sturgeon Falls, and the surrounding municipalities where there is a strong concentration of francophones.

Even in those municipalities with a strong francophone component, the future of French language services depends on how much interest is shown by municipal leaders. Although many efforts have been made along these lines, it must be

recognized that the extent of French language municipal services are markedly different than these delivered in English, which is to say there is no equality.

Indeed in some of the municipalities visited, in which francophones account for 35% to 50% of the population, French language services were found to be minimal or nonexistent. There is no indication that this is a deliberate state of affairs. Rather, we note the effect of a long tradition in which municipal affairs were always transacted in English only, for practical reasons, in a province with a large anglophone majority. Unfortunately, language usage has all too often depended on practical consideration and has not been seen as a factor contributing to the quality of life of the local citizens.

Yet judging from the experience of some municipalities which, as noted earlier, provide a number of their services in both French and English, the additional costs are not as high as such an exercise might suggest at first sight.

Municipalities should at the very least be able to ensure that each service is provided in both languages through an appropriate mix of anglophones and francophones staff. In some of the smaller municipalities, pragmatism and current priorities have usually prevailed and they have avoided the cumbersome bureaucracy often found in the larger cities. In this way they can limit the

number of documents to be translated, the cost and quality of translations being the biggest challenge once organizational problems are solved. In this respect our study is quite revealing, in that it makes it possible to identify some model municipalities that have accomplished a great deal in this area using minimal resources.

Conclusion

A certain number of municipalities, we found, are already functioning fairly well in both languages. Approximately fifty municipalities are serving the public in French at various levels. This is especially so in the area of oral communications, but in several cases efforts are being made in producing bilingual literature and programs. Yet there is an awareness that in most cases a lot remains to be done if minimal services are to be provided.

Whether as a result of community pressure or initiatives by municipal officials themselves, we note that existing progress has been achieved primarily through political will and a commitment by local leaders to the community. Municipal councils are, in fact, the key to immediate action. As noted earlier, some municipalities even go as far as to promote language as a cultural vehicle that is essential for the improvement of both collective and individual well-being.

Needless to say, municipalities that wish to offer French language services must overcome some challenges. They often function in isolation, which means they are continually reinventing the wheel.

It is also clear, as most municipalities emphasized, that one of the primary obstacles to providing municipal services in French is monetary. As we observed, the financial situation in municipal government is often the factor on which the whole decision-making process is based. The budget envelope is fragile, and the lack of funds leaves little flexibility. In short, there are few options. But, paradoxical as it may seem, our observations indicate that most of the municipalities providing French services are small ones, with populations in most cases of about 1,000 to 5,000 and thus with extremely small budgets. This leads us to conclude that the cost of implementing a linguistic policy is less than might be anticipated, although some sacrifice is necessarily entailed. Not to make too fine a point of it, providing services in both languages does not double the cost. It is much more a question of organization, of internal practices, and here it is important to have a sense of proportion. The most decisive factor is organizational, in terms of methods and the effective management of the resources at one's disposal.

Lastly, if the results of the questionnaire are compared with

our firsthand observations, it is clear that some municipalities feel they are qualified to provide French language services because they have a limited capability to communicate with the public in French, where in reality there is no equivalence between the level of English and French services available. In some cases the discrepancy is so great that it is hard to credit them with "accessibility" in French services.

Accordingly, we are of the opinion that the province has an important supporting role to play, both financially and technically, and that it has a duty to encourage municipalities to improve the quality of municipal services in French.

Under section 16 of the French Language Services Act, 1986, a local municipality and, in certain circumstances, a regional municipality may pass a by-law providing that its services shall be provided in both English and French and that all or part of its services to the public shall be made available in both languages. The previous statement appears to be fairly straightforward, but it should be noted that each municipality has two distinct characteristics, its size and its linguistic composition, which will determine the facility with which the provisions of section 16 can be implemented. In fact, it is the many possible permutations of these two variables that will motivate the response to the overriding question that must be posed by any municipality seeking to find out whether the provisions of section 16 can be successfully adapted to its community: Is there a willingness and a capability to serve the public in both languages ? If there is, it will now be possible to consider the services to be provided. If the capability is lacking, it will still be possible to try to get the municipal administration to introduce an acceptable degree of functional bilingualism. In that case a large municipality will be looking at specific remedies such as job training and hiring policy. A small municipality, which is normally accustomed to having its personnel perform a variety of tasks, will look to whether it can vary the use of

its linguistic resources in order to meet the occasional need that arises in any service.

How should the municipality select the services to be made available in the two languages that concern us ? Some will be tempted to reply that French language services will exist wherever bilingual employees are to be found. This is a facile solution that does not indicate a thoughtful approach to servicing the targeted language groups or a sensitivity as to the places in which these services would be most useful. Although we would not be so presumptuous as to prescribe the way in which French language services should be made available or distributed, our work has nevertheless indicated some principles that municipalities may wish to refer to when the time comes to determine the deployment of their linguistic resources.

It is true that the Municipal Act provides for a fairly broad range of optional municipal services, and it is likewise true that the services provided vary from one place to another. Notwithstanding that, it is possible to categorize services in relation to two closely related criteria: client volume and the nature of the service.

By client volume we mean the frequency of consultations a service is subject to. The more contacts with the public in

a particular service, the more important it is that the service be provided in both French and English. The clerk's office, an information and public relations office or a tax collection department are examples of major activity centers that would logically require the establishment of bilingual services if we were to rely solely on the number of clients.

One would be wise, however, to heed a caveat: it would be a serious error to establish a bilingualization plan on the basis of client volume alone. When measuring client volume, a further calculation is necessary: the nature of the services.

For in fact the services provided by a municipality also vary according to their nature. This can be understood more easily if one compares two services, for example, the collection of municipal taxes as compared with the fire department.

It will be readily acknowledged that both services have a large clientele, but it will also be understood that they differ in nature. Tax collection, for all its importance to a municipality, differs in nature from the fire department, which is responsible for preserving human life and the property of the municipality's residents. The same thing applies to the entire range of "soft" or "social" services, such as homes for the aged, public health, childcare and subsidized housing, recreational services and community centers, and all the services that ensure the

community's welfare through direct contact with the population, such as the municipal police force.

To determine its bilingualization priorities, a municipality that subscribes to section 16 of the French Language Services Act, 1986 will be well advised to make an inventory of its services and evaluate them in terms of client volume and the nature of the service. Each municipality must individually undertake this task, for the great diversity of municipalities, with considerable variation in their size and composition, would make short work of any attempt to develop a universally applicable model.

Once its priorities are established, the municipal structure should choose the route that leads it as expeditiously as possible toward its objectives, whether by way of training, hiring, or other administrative measures. It is also necessary to think in terms of proactivity and representation, themes that are developed elsewhere in this report.

Hiring policy is clearly an indispensable tool if the administrative structure is to adjust properly to the linguistic aspect. In this regard, the desire to improve service to users may well entail modifications in internal structures. The purpose of such measures is not to deprive anyone of municipal employment prospects but rather to establish mechanisms that

can provide full public access to municipal services in the desired forms.

The results of our survey of Ontario municipalities with a sufficient number of francophones to indicate some interest in French language services could be of use in establishing priorities for the bilingualization of services. About half the respondents state that the clerk's office and finance department are able to communicate orally and in writing in both languages. However, it appears that priorities need to be readjusted somewhat in social services and municipal police forces. The figures are not exact since not all municipalities offer the same services, but the trend appears to be reliable.

Similarly, the bilingual documents that the municipalities that were consulted most frequently make available to the public are tax invoices, public notices and administrative forms. These documents are widely distributed, and two of them may be classified as permanent documents. Their translation would therefore seem to be a priority.

Terminology

A number of municipalities that were polled raised the need for some kind of support for translation. Without going into the many other forms that this assistance could take, it is worthwhile, nonetheless, to comment briefly on the concept of

terminology. Most municipalities with translation needs rely on independent translators or professional firms. Others, with the means to do so, establish their own internal service. In either case, it can be stated, on the basis of the work that has been done over the years, that there are significant terminological resources scattered throughout the province. It would be good to bring these resources together, refine them, determine standardized official expressions and make these available to municipalities that need them. Without going into detail, it should be said that the central service concept, as outlined in the recommendations in this report, would seem to be the indicated form in which to do this. Terminals, telephone services, glossaries and bulletins are useful tools that could be made available to the municipalities.

Model By-law

Under the terms of our mandate we were asked to draft a standard form by-law to be used as a model by municipalities wishing to avail themselves of the provisions of section 16 of the French Language Services Act, 1986. However, as our deliberations progressed, we came to realize that such a model was inconceivable for reasons we will explain below. At most we were able to contemplate an initial (optional) part of a by-law that would state the precondition set out in the Act, namely, the municipality's desire to communicate with the public in English and in French at any of its offices. In addition, the

wording of the by-law would itemize the services that the municipality had chosen to provide in both languages. Here the possibilities are innumerable and the decisions depend on the concentration of the francophone population, the feasibility of such services, and even the priorities that may happen to have been established. We therefore thought it was best not to suggest any standard by-law so as not to impose a restrictive model on the municipalities, even symbolically.

The task force feels that rather than delivering a model by-law, it would be far more valuable to establish a compendieom of existing by-laws throughout the province and to make them available to interested municipalities. This could be done, by the office of the Coordinator of French Language Services.

The fire department - a special challenge

Although the fire department in most municipalities does not have as much autonomy as the municipal police force, its unique character does give it some independence from the municipal administration. Some resistance may be encountered, therefore, when an undertaking is made that the public will be able to communicate with all offices of a municipality in both French and English. It is necessary to insist that the fire department in particular promote such services, so as to avoid a situation in which a call from a francophone in distress is referred from firehall to firehall until the "duty" francophone firefighter has

been located. Thus it is the dispatcher who must have the desired linguistic competence. He or she should invite the francophone to use his or her own language, and not simply speak French if asked to do so. There is agreement, no doubt, that there must be a single language of communication during an emergency operation, one language on the radio and one language of command. The need to deploy resources in terms of the concentration of francophones within the territory that is being served must also be acknowledged. Here, as in other matters, it is the degree of commitment of local leaders that will determine the quality of French language services.

Autonomous or quasi-autonomous boards, authorities and commissions

Many services are established and/or subsidized by municipalities without themselves being the direct responsibility of the municipal councils. These include such services as the municipal police, the public library, a cooperative childcare center, etc.

A problem arises where a municipality has taken the initiative in making its municipal services available in French and would like to ensure that the services provided by boards, local authorities or commissions are also available in French, but the municipality has little or no control over these bodies. We are particularly concerned by the fact that the aforementioned services are priorities in that they have a major

impact on a citizen's day-to-day life. To mention only a few ways in which this happens, the municipal police force deals with the security and welfare of the community; the library affects the cultural aspect; and the childcare center plays a role in the education of youngsters. The importance of language in these activities needs no explanation.

These services, some of which are optional, are financed in whole or in part by the municipality, and we are somewhat perplexed as to the most appropriate way to ensure they are made available in French where a municipality has so requested.

This is a significant challenge facing a municipality, which cannot ensure its views are adopted by the autonomous boards and commissions. Not only does it have the task of encouraging these agencies by all means (using technical and financial assistance) to provide French language services, but it has a duty to pursue such services as an objective.

It is clear that the extent of the municipality's authority in relation to the autonomous boards and commissions, and the latters' obligations, remain to be clarified.

<u>Provincially subsidized programs</u>

The Province, too, faces a similar dilemma. The government of Ontario has undertaken to provide its services in French in

the areas designated by the French Language Services Act, 1986, yet many of its programs are administered by a legal entity other than the provincial government. As a result, programs established by the Province and subsidized by it may not be made available in French in the designated areas since they are administered by municipalities or by a quasi-autonomous agency. These include such services as senior citizens' homes, childcare centers, non-profit housing, children's aid societies, social services, health centers, homes for battered women, etc. Once again, these are services that are closely related to the life of the community.

The Province sometimes delegates the responsibility for administering these programs, while retaining some degree of supervision. It is interesting to note that a number of these programs are optional: the municipality has the unilateral right to accept or reject provincial funding for a given service it may choose to provide, as in the case of municipal childcare centers or battered women's hostels.

Provincial control may be exercised through contractual agreements signed with the municipality, provincial regulations governing these programs, or provincial statutes that ensure compliance with certain basic conditions. We are thinking in particular of sanitary conditions in homes for the elderly or the physical arrangements in childcare centers.

Insofar as the provision of French language services is concerned, it seems to us that the authority that the provincial government may or should exercise over these delegated services is not clearly defined. This is particularly true with respect to the scope of the designation power provided for in the French Language Services Act, 1986.

The fundamental question that we should be asking ourselves is the following: once a municipality has chosen to provide a service financed by the provincial government, what authority does the province have to impose conditions and standards on this service and, similarly, what are the municipality's obligations to the provincial government ? Can language criteria be established, that is, criteria governing the way in which the merchandise will be delivered, since language is an accessory to the providing of service.

In this context, the powers and responsibilities of both the provincial and local governments are quite complex. Jurisdictions are shared not only between various levels of government but also between different ministries. This task force lacked the expertise and information necessary to make detailed recommendations about French language services in these areas. However, it considers that these are extremely important areas of services which should be studied much more extensively if we are to encourage the development of services that are accessible in French.

In order to avoid confusing municipal law with the linguistic aspect (the use of a language), it is important that the legal context be clearly defined.

There is a common tendency for many of those involved in municipal issues to hold differing perceptions of what is lawful or unlawful. In the matter at hand, there is a real need for clarity, in our view. Although we do not pretend to grasp all the legal intricacies of the language question, we are in a position, we think, to express a general understanding of the precepts that govern municipal legislation in language matters.

Municipal law

Because the power to regulate at the municipal level is conferred on a municipality by the province, a municipal council can legislate only within the limits assigned to it by provincial statutes. Thus what is involved is not a division of powers between the province and a municipality, but rather a delegation of powers from the province to the municipality. Delegation means giving another person a part of the powers and responsibilities that are rightfully one's own. Juridically, it is a unilateral act by which a given authority transfers the exercise of part of its jurisdiction.

The municipal authority to legislate

The municipal council alone is legally empowered to enact by-laws. In some cases the provincial legislation is imperative and imposes an obligation on the council to legislate. In other circumstances, the provincial legislation authorizes what is commonly called **permissive legislation**, which leaves it to a council's prerogative as to whether or not to legislate on particular matters. (1)

Division of powers in language matters

The courts ruled very early in the history of our country that each of the two levels of government, federal and provincial, could legislate on language matters as a subordinate exercise of its respective jurisdiction.

Accordingly, in 1969 the federal Parliament enacted the Official Languages Act, pursuant to the recommendations of the Laurendeau-Dunton Royal Commission. This legislation was adopted with the unanimous support of all political parties at the time. Since then, the Supreme Court of Canada has ruled unanimously that the legislation, which applies only to federal institutions and agencies, is constitutionally valid.

More recently, the Ontario legislature adopted the French

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1. French Language Services Act, 1986, S.O. 1986, Chapter 45, Section 16.

Language Services Act, 1986, with the unanimous support of all political parties. This parent legislation establishes a right to French language services in provincial institutions and agencies, although it does not go so far as to recognize French and English as official languages.

It is important to note that the bilingual character of provincial services in the designated areas will in no way affect the linguistic character of municipalities. The province has left entirely to the discretion of the municipalities whether or not to provide bilingual services where appropriate.

On the other hand, the Canadian Charter of Rights and Freedoms grants certain language guarantees to Canadians. There appears to be several schools of thought as to the degree to which the Charter applies to municipalities within the framework of their activities.

Since 1986, Ontario municipalities have had the prerogative of passing by-laws in relation to the provision of services in French, under the French Language Services Act, 1986, S.O. 1986, Chapter 45, Section 16. The Ontario government had already taken steps along these lines when the legislature enacted, in November 1982, the Municipal Amendment Act, S.O. 1982, Chapter 50, Section 7 in relation to the proceedings of councils and the conduct of the business and affairs of

municipalities.

It should be recalled that the scope of such municipal by-laws must relate to the administrative function, since language is collateral to the provision of services. In Trumble & Kozlovich vs. Town of Kapuskasing, Mr. Justice Smith ruled that a municipality may identify itself as being bilingual and may provide its services in French, although it cannot deal with the equality of status, rights and privileges of a language. In short, a municipality has the right to function in French and English, and it has complete latitude to do so as a means of promoting the cultural and linguistic development of the community.

The provincial government had previously instituted specific measures designed to promote the provision of municipal services in French. An example is the "Municipal Services in French Program".

The first version of this program originated in 1979 and it was revised in several respects in 1980 and 1981. It is intended to promote the provision of municipal services in French and English to residents of municipalities where this is deemed necessary or appropriate by the municipal council.

The services qualifying for subsidies are the following:

(a) French or English courses for members of council or staff;

(b) translation from English into French or from French into English of public documents such as by-laws, tax bills, public notices or other informational documents intended for residents of the municipality;

(c) printing of bilingual public documents or public documents translated from English into French or from French into English;

(d) rental of simultaneous translation services for Council meetings or public hearings;

(e) bilingual road signs on public thoroughfares.

Other services that a municipality wishes to make available to its residents, may also qualify for a subsidy.

Under this sudsidy program, the provincial government will reimburse 50% of the costs incurred by the municipality to a total of $50,000. per year over a maximum of five years.

The government may also grant a special non-renewable sudsidy of up to 50% of the purchase cost of simultaneous translation equipment and an additional non-renewable special subsidy of up to $150. per day for a maximum of 15 working days to cover the fees of consultants who are retained to develop a municipal program of French language services.

Judging from information received through the questionnaires, few eligible municipalities are aware of this program. About 80% of respondents clearly indicated that they were unaware of the program in question or declined to comment on it.

The Subsidies Branch of the Ministry of Municipal Affairs informed us that thirty municipalities have availed themselves of this program. Our research shows that these municipalities are the best organized in terms of providing municipal services in French. We realize that the program was also, in many cases, of great benefit to the anglophone communities, since some municipalities with a strong francophone majority are using subsidies to translate their documents from French into English. In other words this program seems to have played an important role in those municipalities that are aware of its existence and the procedures for joining it.

The recommendations that follow represent the culmination of our research. They are intended to be easy to implement, and reflect the expectations of the municipalities in relation to the matter at hand. We have also, of course, taken into consideration the capacity of the Ministry of Municipal Affairs to implement these recommendations.

Recommendation No. 1

It is important to coordinate efforts effectively and to provide municipalities with access to all information that can facilitate their tasks. Furthermore, it is necessary to give careful advice to municipalities that ask for it with respect to the most appropriate method of establishing municipal services in French, in order that such services constitute a form of affirmative action. The Ministry recently created the office of French Language Services Coordinator for the purpose of ensuring that the francophone communities in the designated areas have access in their own language to the services provided by the Ministry.

It is recommended that this office have the following additional responsibilities:

(a) establishing a communications network with the municipalities concerned to keep them informed of the most recent developments, making an inventory of available resources and subsidies and collecting relevant information on procedures used by other

municipalities in the provision of municipal services in French;

(b) establishing a counselling and development service to assist municipalities (on-site and upon request) in determining their priorities and the most appropriate methods to use in providing services in French;

(c) making municipalities aware of the need to improve services to their francophone population.

Recommendation No. 2

In view of the need to equip the major municipal officials, the Ministry has established a series of training seminars for municipal elected officials and civil servants.

It is recommended that steps be taken to ensure that all seminars are available in French for the designated areas, without exception.

Recommendation No. 3

If some municipalities are to function effectively in French, it is important that the study programs addressed to practitioners in the municipal organization be made available in French. Some courses in municipal administration are currently being offered by community colleges, but in English only.

It is recommended that the Municipal Education and Training Secretariat take the necessary steps to make the following refresher and upgrading courses available in French:

i) Municipal Administration Program,
ii) Municipal Law Program,
iii) Municipal Finance Program,
iv) Municipal Tax Administration Program.

Recommendation No. 4

To enable municipalities to upgrade the skills of local administrative staff in the provision of French language services, language training programs are essential. The provincial government has established a language school in order to improve provincial French language services. And the City of Ottawa has established an excellent language training program.

It is recommended that the Ministry take the necessary steps to make these two language training programs available to municipalities. The municipalities would be responsible for all expenses associated with the programs.

By way of information, the City of Ottawa has already agreed to collaborate with the Ministry if such an approach is initiated.

Recommendation No. 5

It is the unanimous contention of the municipalities that there are few glossaries and little standardized terminology regarding French language terms in the Ontario municipal context.

It is recommended that the Ministry establish a terminology bank, prepare suitable glossaries and provide standard bilingual forms and by-laws dealing with situations frequently encountered at the municipal level. These documents would be distributed by the office of the French Language Services Coordinator.

Recommendation No. 6

The French language municipal services subsidy program in its present form is viewed as a good thing in itself. The main

reason for its lack of use is that little is known about it.

Accordingly, we recommend that the Ministry actively promote this program. Moreover, we recommend that the following changes be made in the program:

(a) that any application to join the program be accompanied by a five-year action plan;

(b) that the provision for subsidizing the costs to municipalities of retaining the services of consultants be eliminated, and that the consultancy function be transferred to the office of the French Language Services Coordinator;

(c) that a municipality be able at any time to submit an application for a grant for specific needs, over and above the five year limit and evaluated according to the merits of each case.

Recommendation No. 7

Given that the provincial government has undertaken to provide its provincial services in French in the areas designated by the French Language Services Act, 1986, and given that many provincial programs are administered either by local governments or by quasi-autonomous municipal agencies, commissions or boards, we recommend the following:

That the Ministry of Municipal Affairs commission a study on:

(a) the provincial government's regulatory power in relation to provincial programs administered by municipalities and the latter's obligations in undertaking such responsibilities;

(b) the powers of municipalities wishing to provide municipal services in French in relation to administrative boards and commissions such as libraries, municipal police, etc.

while keeping in mind the provincial government's undertaking to serve the francophone communities even where provincial programs are administered by a legal entity other than the government of Ontario.

The Task Force attempted to formulate recommendations on questions that fell directly within the purview of the Ministry of Municipal Affairs, as its mandate dictated. However, along the way we encountered a number of questions which are of direct interest to the municipalities but which are under the jurisdiction of other ministries. Nevertheless, if there are to be express guarantees that French language services are not to be overlooked, it is of overriding importance that there be liaison between the Ministry of Municipal Affairs and the other ministries whenever studies are undertaken of issues that directly or indirectly affect the municipalities.

Outlining the preconditions for the provision of essential services to the community is no small matter when it concerns language and culture. It goes to the very heart of a society, reaching into the most delicate tissue in the body politic, one's whole being, one's reason and one's development. Language is, in fact, the tool that above all else distinguishes the human from other forms of life.

We firmly believe that the respect of future generations for the two linguistic communities will be secured if the infrastructure needed for the full development of French and English is established without delay. This obviously requires that

differing values be integrated, that our attitudes be modified and our behaviour patterns changed. Political leaders will have an important role to play, and they must understand the need for a collective effort if we are to succeed in anchoring the concept of coexistence of the two languages.

In some municipalities francophones constitute a significant part of the population, a cultural entity in its own right. In these places in particular it is important that the use of French in the implementation of municipal programs and services become a norm for the administration, reflecting the linguistic and cultural values of these municipalities. This will bear eloquent witness to the municipal council's intention to improve its service to citizens and thereby give priority to the promotion of people-oriented rather than property-oriented services. Of course, this laudable goal will not be achieved overnight or without a commitment of resources, albeit fewer than might have been thought. There are times in history when a wish is articulated, and those who indeed choose to hear the message will be among the pioneers of social progress.

SCHEDULE I

PARTICIPANTS*

City of Vanier - Township of Essa - City of North York - City of Pembrooke - Township of Val Rita-Harty - Town of Blind River - Township of Hilliard - City of Cochrane - Township of Bonfield - City of Toronto - City of Timmins - Township of Moonbeam - Township of Cambridge - Township of Johnson - Town of Belle River - Town of Rockland - Town of Matawa - Town of Valley East - Township of Tilbury East - Improvement District of Shedden - Township of North Shore - Township of Colchester North - City of Etobicoke - City of Hamilton - Village of Chesterville - Township of Laird - Township of Anderson - City of Kanata - Village of Iron Bridge - Township of Spanish River - Town of Espanola - Township of Osnabruck - Township of Clarence - Township of Cumberland - Township of Chisholm - Township of Michipicoten - Town of Alexandria - Village of Casselman - City of Windsor - Improvement District of Cameron - Town of Hearst - Township of Harris - Town of Sturgeon Falls - Township of Westmeath - Town of Haileybury - Township of Charlottenburg - Township of Casimir, Jennings and Appleby - Town of Elliot Lake - Village of St-Isidore de Prescott - Town of Kapuskasing - Village of L'Orignal - Township of Russell - Township of Fauquier-Strickland - Township of Prince - Village of Alfred - Village of Hilton Beach - Township of Field - Township of Cornwall - Township of Hagar - Town of Geraldton - Improvement District of Dubreuilville - Township of Papineau - Township of Dymond - United Counties of Prescott and Russell - Regional Municipality of Ottawa-Carleton - Town of Longlac - Township of Brethour - Township of McGarry - Improvement District of Matachewan - Township of Hawkesbury West - Township of Caledonia - Village of Plantagenet - Township of Kerns - Township of Alfred - City of York - Township of Day & Bright Additional - Township of Goulbourn - Township of South-Plantagenet, Township of Longueil - Township of Hawkesbury East Township of Cosby-Mason & Martland - Village of Thornloe - Township of North-Plantagenet - City of Mississauga - City of North Bay - Township of Finch - Town of Hawkesbury - City of Ottawa - Regional Municipality of Sudbury - City of Sudbury - Township of Mattice-Val Côté.

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* More than one hundred municipalities participated in the exercise.